

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 395 – HB 511

April 13, 2011

SUMMARY OF AMENDMENT (006172): Deletes the original bill. Establishes a presumption of proximate cause of a motor vehicle accident occurring within a construction zone that results in death, injury, or damage if the vehicle operator is found to be under the influence. Establishes immunity from claims for personal injury, property damage, or death arising from certain Department of Transportation (TDOT) projects. Requires a contractor or an engineer to provide TDOT with written notice of any apparent errors or omissions in the contract document or TDOT's design standards.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions applied to amendment:

- According to TDOT, this legislation could reduce the Department's potential liability and ultimately reduce state litigation related expenditures; however, TDOT indicates any decrease would be not significant.
- Enactment of this bill would have a not significant impact on the State Risk Management Fund.
- The state currently uses a defense of contributing behavior in cases where there is evidence of intoxication by a driver who files an action against the state.
- There have been no claims in recent years in which the state has been required to pay damages under these circumstances.
- The proposed legislation will not have a significant impact on the caseloads of state and local courts.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in dark ink, appearing to read "James W. White". The signature is fluid and cursive, with a stylized "J" and "W".

James W. White, Executive Director

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